

REMARKS

In the last Office Action, the Examiner objected to claims 41-43, 45, 47 and 57-64 under 37 CFR §1.75 as being substantial duplicates of claims 36, 38, 39, 53, 54, 55 and 66. Claims 36, 38, 39, 53-56, 49, 51 and 65-68 were allowed.

Applicants and applicants' counsel note with appreciation the indication of allowable subject matter concerning claims 36, 38, 39, 49, 51, 53-56 and 65-68. However, for the reasons noted below, applicants respectfully submit that claims 41-43, 45, 47 and 57-64 are also allowable.

Applicants respectfully traverse the objection of claims 41-43, 45-47 and 57-64 under 37 CFR §1.75 as being substantial duplicates of claims 36, 38, 39 and 53-56. Contrary to the Examiner's contention, independent claims 41 and 45 are not substantial duplicates of independent claim 36 because these independent claims provide different scopes of coverage from one another (i.e., independent claims 36, 41 and 45 do not cover the same thing).

More specifically, examples of the information reproducing apparatus covered by independent claims 36 and 41 are described on pages 46-48 of the specification and shown in Figs. 4-5. Independent claim 41 differs from independent claim 36 in that the polarized light control means in independent claim 41 explicitly requires the function of "controlling a direction of polarization of the near-field

light" for the purpose of making a direction of polarization of the near-field light irradiated on the linear marks orthogonal to a longitudinal axis of each of the linear marks. No corresponding controlling function for the direction of polarization of the near-field light is recited in independent claim 36.

Independent claim 45 also provides a different scope of coverage from each of independent claims 36 and 41. More specifically, independent claim 45 requires "light generating means" for generating linearly polarized light which, in accordance with 35 U.S.C. §112, sixth paragraph, is a means-plus-function recitation that is interpreted as corresponding to the particular element of the polarized light control means described in the specification and equivalents thereof. In contrast, each of independent claims 36 and 41 requires a "light source" for generating linearly polarized light which does not implicate 35 U.S.C. §112, sixth paragraph.

In view of the foregoing, applicants respectfully submit that claims 41-43, 57-60 and claims 45, 47 and 61-64 are not substantial duplicates of claims 36, 38, 39 and 53-56, and therefore requests that the objection under 37 CFR §1.75 be withdrawn.

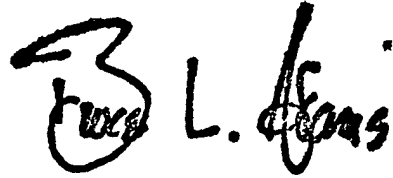
FORMAL INTERVIEW REQUEST

Should the present response not lead to allowance of the application, applicants' undersigned representative hereby requests a telephonic interview with the Examiner, prior to the issuance of a new Office Action, to address the objection under 37 CFR §1.75 raised in the July 17, 2008 Office Action. **The Examiner is requested to call applicants' undersigned representative at 212-809-3700 to schedule the telephonic interview** in sufficient time for the interview to be conducted prior to the Examiner issuing a new Office Action. Applicants' representative intends for the remarks included herein to serve as an interview outline for the interview to be scheduled.

In view of the foregoing amendments and discussion,
the application is believed to be in allowable form.
Accordingly, favorable reconsideration and allowance of the
claims are most respectfully requested.

Respectfully submitted,

ADAMS & WILKS
Attorneys for Applicants



By: _____
Bruce L. Adams
Reg. No. 25,386

17 Battery Place
Suite 1231
New York, NY 10004
(212) 809-3700

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first-class mail in an envelope addressed
to: Mail Stop AMENDMENT, COMMISSIONER FOR PATENTS, P.O. Box 1450,
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Patricia Petrocelli

Name



Signature

SEPTEMBER 10, 2008

Date